



LEGAL BRIEFS

From the Fort Knox Legal Assistance Office

HIRING A CIVILIAN ATTORNEY

The Army Judge Advocate General's Corps - Legal Assistance Services:

All active-duty (and in some instances, reserve) soldiers, sailors, airmen, marines, their family members, and military retirees from all armed forces are eligible for free legal assistance provided by the Army Judge Advocate General's Corps. The mission of every Army Legal Assistance Office is to help, advise, and counsel eligible persons with their personal legal matters. Personal legal matters include the preparation and execution of wills, powers of attorney, and advance medical directives, and counseling on family law, landlord/tenant law, consumer credit transactions, real property transactions, and federal and state taxation.

As a part of the Army, a judge advocate's true expertise is in assisting soldiers prepare rebuttals, statements or appeals to Army administrative actions including reports of survey, reprimands, bars to reenlistment, reduction boards, line-of-duty investigations, OER or NCOER appeals, and proposed reassignments from recruiting duty.

Hiring a Civilian Attorney:

In certain situations, military legal assistance attorneys cannot resolve your problem. Military regulations restrict our ability to represent service members in civilian court, or to prepare documents that will be filed with a civilian court. In those situations it will be necessary to obtain an attorney from the private sector who has the expertise and the knowledge to assist service members with court appearances and with filing court documents. Those situations most often involve civilian criminal matters; divorce, separation, paternity or other family related matters, personal injury cases, or matters destined for small claims court. Once you hire a civilian attorney, that attorney is your advocate on the case. You should work with them to resolve things. It is improper, in fact, for the Legal Assistance Office, or its attorneys, to get in the middle of that relationship.

Magistrate's Court - Civilian Court for Fort Knox:

Legal assistance attorneys cannot appear with clients in Magistrate's Court. Magistrate's Court is the civilian court for Fort Knox. The Court hears cases involving alleged misconduct that occurred on the installation. Traffic tickets are perhaps the largest part of the Court docket. Legal assistance attorneys can discuss civilian criminal charges with service members and they can help the person decide whether the charge is serious enough that a civilian attorney should be hired.

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Civilian Attorney Referral List:

The Legal Assistance Office maintains an up-to-date list of all civilian attorneys in the Radcliff/Elizabethtown area. The list has names, office locations, telephone numbers, and a brief description of the type of law they practice. Like any other profession, some attorneys specialize in the practice of particular types of law. In hiring a civilian attorney, service members must be careful to hire one with expertise in the area of law matching their personal legal situation. A real estate lawyer may not be a wise choice to defend a civilian criminal case. The Legal Assistance Office does not endorse one attorney over another.

Do You Need an Attorney - Can You Handle the Problem Yourself?

Legal assistance attorneys can help you decide if you need a civilian attorney. In making that decision, remember there are many things individuals can do for themselves without the aid of an attorney. Small claims court is a great example. If someone owes you a small sum of money, small claims court allows you the opportunity to have a judge order payment of that money. In Kentucky, small claims court can hear matters valued at up to \$1,500. You do not need an attorney to go to court with you. You can do it yourself. Minor traffic tickets are another example. For instance, if you received a speeding ticket you believe was not warranted, you have the right to appear in court to contest the ticket. With the cost of an attorney most likely far in excess of the potential fine, the assistance of an attorney may be unnecessary. You can tell your side of the story in court and save the time and expense of hiring an attorney. The expertise of an attorney, however, is always advisable in a complicated situation where a large sum of money is involved or where the criminal charge is more than a minor traffic ticket.

Negotiating Fees:

Civilian attorneys will charge a fee for their services. Practicing law is their livelihood so they charge for their time and expertise. Fees, however, are negotiable between the client and the attorney. If you are on a tight budget, you may have to "shop around" a bit to find an attorney who can assist you within the limits of your financial ability. Most attorneys are willing to work on a payment plan with monthly or other periodic payments to cover the full cost of representation. Also, depending on the nature of your case, the attorney may agree to represent you based on a contingency. The classic example of that is a personal injury case. The attorney may agree to represent you and receive his payment as a percentage of the settlement he recovers for you. On the other hand, some cases are not appropriate for contingency arrangements. In those cases, such as a divorce or other family law proceeding, a retainer and hourly charges may be required. In that situation, you may agree to pay the attorney an amount (the retainer) up-front. After that, the attorney will bill you by the hour for the number of hours spent on the case. The bottom line is your agreement with the attorney is a contract. As with any contract, it is up for negotiation at the beginning. In finalizing the contract, be sure to get it in writing, and be sure to require that you get a periodic itemized bill showing exactly what the civilian attorney did on your behalf.

Legal Assistance as a Point-of-Contact:

Please feel free to call us to schedule an appointment or for more information about hiring a civilian attorney. Our telephone number is (502) 624-2771, and our hours of operation are Monday through Friday, 0800-1600. We are located in the Office of the Staff Judge Advocate, Building 1310, Pike Hall (north of the post office on Knox Street).